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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,781	03/22/2004	Gustavo Abrego	50T5608.01/1697	9930
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Gregory J. Koerner Redwood Patent Law 1291 East Hillsdale Boulevard Suite 205 Foster City, CA 94404			EXAMINER JACKSON, JAKIEDA R	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/805,781	Applicant(s) ABREGO ET AL.	
	Examiner Jakieda R. Jackson	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/31/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Appeal Brief

1. In response to the Office Action mailed January 3, 2007, Applicants filed an Appeal Brief filed on May 31, 2007. After reviewing the remarks, Applicant's arguments were persuasive. Prosecution will be reopened based on new grounds of rejections and the Office regrets any inconvenience.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-6, 8, 11, 14-15, 17-19, 21-26, 28, 31, 34-35, 37-39 and 41-47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (PGPUB 2004/0008209), hereinafter referenced as Adams in view of Belrose (PGPUB 2003/0144843).

Regarding **claims 1 and 21**, Adams discloses a system and method for cataloguing electronic information (cataloguing; column 3, paragraphs 0079), comprising:

an electronic device that captures audio/video data corresponding to a photographic target, said audio/video data (audio and video) including a narration

provided by a narrator to identify respective subject matter locations in said audio/video data (narrative; column 1, paragraph 0002);

generating labels that correspond to said respective subject matter locations in said audio/video data (column 6, paragraph 0111); and

a label manager (labeling) that manages a label mode for generating and storing said labels, said label manager also controlling a label search mode for utilizing said labels to locate said respective subject matter locations in said audio/video data (location; column 6, paragraph 0111), but does not specifically teach a speech recognition engine.

Belrose disclose a system and method for cataloguing electronic information (catalogue data; column 9, paragraph 0180) comprising:

an electronic device that captures audio/video data corresponding to a photographic target, said audio/video data (audio and video) including a narration provided by a narrator to identify respective subject matter locations in said audio/video data (narrator; column 6, paragraphs 0106-0107); and

a speech recognition engine (speech interface system) that automatically performs a speech recognition process upon said narration to generate labels (label) that correspond to said respective subject matter locations in said audio/video data (feature; column 6, paragraphs 0106-0107 and column 3, paragraphs 0045-0047 with column 2, paragraph 0020), for collecting user-interest information regarding a picture.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify to modify Adams method and system wherein it

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provides a speech recognition engine, as taught by Belrose, to provide associated information and to facilitate the provision of user-relevant information for such pictures (column 2, paragraph 0021).

Regarding **claims 2 and 22**, Adams discloses a system and method wherein said electronic device is implemented as an audio/video camcorder device (video recorder; column 9, paragraph 0140).

Regarding **claims 3 and 23**, Adams in view of Belrose teach everything as recited in claim 1. In addition Belrose teach a system and method wherein said speech recognition engine is configured in a simplified configuration that efficiently compares said narration with acoustic models to identify phone strings that represent said narration, said speech recognition engine (speech interface system) referencing a compact dictionary to look up recognized vocabulary words that correspond to said phone strings, said speech recognition engine utilizing a limited set of recognition grammar to form said recognized vocabulary words into said labels (label) that are supported by said speech recognition engine (column 6, paragraphs 0106-0107)

Regarding **claims 4 and 24**, Adams teaches a method and system wherein said label manager initially instructs said electronic device to enter a real-time label mode for creating and storing said labels, said electronic device concurrently capturing said audio/video data and said narration after said label manager instructs said electronic device to enter said real-time label mode (column 1, paragraph 0008-0009).

Regarding **claims 5 and 25**, Adams in view of Belrose teach everything as recited in claim 1. In addition Belrose teach a system and method wherein said

electronic device enters a real-time label mode in response to a verbal label- mode command from a system user, said verbal label-mode command being recognized and provided to said label manager by said speech recognition engine (column 6, paragraphs 0106-0107).

Regarding **claims 6 and 26**, Adams discloses a system and method wherein said speech recognition engine automatically generates said labels as said electronic device captures said audio/video data and said narration (automatically; column 3, paragraph 0080).

Regarding **claims 8 and 28**, Adams discloses a system and method wherein said label manager stores said labels during a real-time label mode, said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels (meta-data; column 3, paragraph 0079).

Regarding **claims 11 and 31**, Adams discloses a system and method wherein said speech recognition engine automatically generates said labels by analyzing said audio/video data and said narration as said electronic device plays back said audio/video data and said narration (column 3, paragraph 0079).

Regarding **claims 14 and 34**, Adams in view of Belrose teach everything as recited in claim 1. In addition Belrose teach a system and method wherein said label manager coordinates a label validation procedure for validating said labels in response to verbal validation commands from a system user, said verbal validation commands

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being recognized and provided to said label manager by said speech recognition engine (voice dialog; column 3, paragraphs 0045-0047).

Regarding **claims 15 and 35**, Adams discloses a system and method wherein said label manager stores said labels in a non-real-time label mode, said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels (meta-data; column 3, paragraph 0079).

Regarding **claims 17 and 37**, Adams discloses a system and method wherein said label manager generates a label-search GUI on a display of said electronic device, a system user viewing said labels and corresponding representative images from said audio/video data for selecting a search label (display; column 4, paragraph 0093. In addition, Belrose teaches a GUI display (GUI browser; column 1, paragraph 0002 with column 6, paragraph 0106)

Regarding **claims 18 and 38**, Adams in view of Belrose teach everything as recited in claim 1. In addition Belrose teach a system and method wherein a system user selects a search label by issuing a verbal search-label command, said verbal search-label command being recognized and provided to said label manager by said speech recognition engine (column 3, paragraphs 0045-0047 with column 6, paragraphs 0106-0107).

Regarding **claims 19 and 39**, Adams discloses a system and method wherein said label manager instructs said electronic device to automatically locate and retrieve a

specific one of said respective subject matter locations in response to a system user selecting a search label (automatically; column 3, paragraph 0080).

Claim 41 is directed toward a computer readable medium to implement or execute the system of claim 1, and is similar in scope and content of claim 1, therefore, claim 41 is rejected under similar rationale.

Claims 42-47 are directed toward a system to implement or execute the method of claim 21, and is similar in scope and content of claim 21, therefore, claims 42-47 is rejected under similar rationale.

4. **Claims 7, 12, 27 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Belrose and in further view of Nicholson et al. (PGPUB 2002/0067859), hereinafter referenced as Nicholason.

Regarding **claims 7 and 27**, Adams discloses a system and method for cataloguing electronic information, but does not specifically teach wherein a post processor performs a post-processing procedure upon said labels in a real- time label mode, said post-processing procedure including a validation procedure using one or more confidence measures to eliminate invalid labels that fail to satisfy pre-determined validation criteria.

Nicholason teaches a system and method wherein a post processor performs a post-processing procedure upon said labels in a real- time label mode, said post-processing procedure including a validation procedure (validate) using one or more

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confidence measures (confidence level) to eliminate invalid labels that fail to satisfy pre-determined validation criteria (column 2, paragraph 0012), to examine for possible errors.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Adams in view of Belrose system and method as described above, to allow the user to preview the results when the data structure confidence threshold is changed, which allows the user to optimize the number of words that need examination for possible error correction (column 10, paragraph 0101).

Regarding **claims 12 and 32**, Adams discloses a system and method for cataloguing electronic information, but does not specifically teach wherein a post processor performs a post-processing procedure upon said labels in a non- real-time label mode, said post-processing procedure including a validation procedure using one or more confidence measures to eliminate invalid labels that fail to satisfy pre-determined validation criteria.

Nicholson teaches a system and method wherein a post processor performs a post-processing procedure upon said labels in a non- real-time label mode, said post-processing procedure including a validation procedure using one or more confidence measures to eliminate invalid labels that fail to satisfy pre-determined validation criteria (column 2, paragraph 0012), to examine for possible errors.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Adams in view of Belrose system and method as described above, to allow the user to preview the results when the data structure

confidence threshold is changed, which allows the user to optimize the number of words that need examination for possible error correction (column 10, paragraph 0101).

5. **Claims 9-10, 13, 16, 20, 29-30, 33, 36 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Belrose and in further view of Frohlich et al. (PB PUB 2004/0037540), hereinafter referenced as Frohlich.

Regarding **claims 9 and 29**, Adams discloses a system and method for cataloguing electronic information, but does not specifically teach wherein said electronic device initially captures said audio/video data and said narration prior to entering said label mode.

Frohlich teaches a system and method comprising a digital camcorder (column 1, paragraph 0007 and column 6, paragraph 0146) wherein the sound can be captured immediately before, at the same time or immediately after capturing the image (column 1, paragraph 0008 with columns 4-5, paragraphs 0118-0120 and column 6, paragraph 0136). Frohlich teaches narrative data and catalogue data (column 5, paragraph 0120 and column 6, paragraph 0137), to allow a plurality of photograph images to be associated with audio.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Adams in view of Belrose system and method as described above, to have an electronic photograph album that allows multiple audio tracks to be associated with a single image (column 2, paragraphs 0016-0026). Also to

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provide for a hierarchical architecture of a plurality of audio photographs having different levels, whereby audio photographs can be arranged or grouped into sets of audio photographs, such that within a set, a plurality of audio photographs can be collected according to similar theme and the set can have its own layers and segments.

Regarding **claims 10 and 30**, it is interpreted and rejected for the same reasons as set for in claims 9 and 29. In addition Frohlich discloses a system and method wherein said label manager instructs said electronic device to enter a non-real-time label mode for creating and storing said labels, said electronic device responsively retrieving and playing back said audio/video data and said narration (activating play; column 7, paragraph 0156).

Regarding **claims 13 and 33**, it is interpreted and rejected for the same reasons as set for in claims 9 and 29. In addition Frohlich discloses a system and method wherein said label manager coordinates a label validation procedure for validating said labels, said label manager generating a validation graphical user interface upon a display of said electronic device for a system user to interactively evaluate (edit), delete (remove), and edit said labels (column 7, paragraph 0155 and column 7, paragraph 0161).

Regarding **claims 16 and 36**, it is interpreted and rejected for the same reasons as set for in claims 9 and 29. In addition Frohlich discloses a system and method wherein said label manager instructs said electronic device to enter said label search mode during which a system user interactively selects a search label for performing a label search procedure to locate a specific one of said respective subject matter

locations corresponding to said search label (activate play; column 7, paragraphs 0156 and 0160).

Regarding **claims 20 and 40**, it is interpreted and rejected for the same reasons as set for in claims 9 and 29. In addition Frohlich discloses a system and method wherein said electronic device automatically plays back a specific retrieved one of said respective subject matter locations from said audio/video data for viewing by said system user (playback; column 7, paragraph 0156)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Aschbrenner et al. (USPN 6,463,205) disclose a personalized video story production apparatus and method.
- Davis et al. (USPN 7,101,144) disclose associating data with images in imaging systems.
- Vetterli et al. (PGPUB 2002/0075282) disclose automated annotation of a view.
- Balabanovic et al. (PGPUB 2005/0283741) disclose a method and apparatus for storytelling with digital photographs.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571-272-7619. The examiner can normally be reached on Monday-Friday from 5:30am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ
September 3, 2007


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
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